

CONSOLIDATED AUGUST 11, 2009

CONSOLIDATION FOR CONVENIENCE PURPOSES ONLY OF BYLAW NO. 1639, 1760, 1836, 1896, 1944, 1966, 2058, 2164, 2274, 2399, 2499, 2622, 2707, 2754, 2834, 2901, 2955, 3044, 3117, 3175, 3384



CITY OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 1639

A BYLAW OF THE CITY OF CAMPBELL RIVER AUTHORIZING THE OPERATION AND MAINTENANCE OF THE CAMPBELL RIVER MUNICIPAL CEMETERY.

The Council of the City of Campbell River, in open meeting assembled, enacts as follows:

DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:

"City" shall mean the City of Campbell River.

"Chief Financial Officer" shall mean the person duly appointed as such from time to time by the Council.

"Caretaker" shall mean the person or persons duly appointed from time to time as Caretaker or Caretakers of the cemetery or cemeteries of the City of Campbell River.

"Cremated Remains" shall mean the remains resulting from cremation of a deceased human body.

"Cemetery" shall mean and include any parcel or tract of land owned, used or maintained by the City of Campbell River as a cemetery, either within or without the Municipality.

"Infant" shall mean any person up to the age of one year.

"Child" shall mean any person one year old up to and including 11 years of age.

"Council" shall mean the Council of the City of Campbell River.

"Mayor" shall include the Acting Mayor.

"Medical Health Officer" shall mean the person duly appointed from time to time by the Council to act as Medical Health Officer for the City of Campbell River.

"Director" shall mean that member of the Executive Council charged by order of the Lieutenant-Governor-in-Council with administration of the Cremation, Interment and Funeral Services Act and includes a person designated in writing by the Director.

- "Municipality"** shall mean the City of Campbell River and the area within the boundaries thereof.
- "Resident"** shall mean:
- (a) a person who is or at the time of his death was the owner, as defined in the "Local Government Act" of real property within the Municipality, or
 - (b) a person who at the time of his death was resident and had resided continuously for not less than six months within the Municipality, or
 - (c) a person who was the owner of real property within the Municipality for a period of not less than five years within the period of ten years immediately preceding his death and who was, during such five year period, resident within the Municipality.
- "Non-Resident"** shall mean any person who is not a resident as defined in this Bylaw.

The use of words signifying the masculine shall include the feminine.

2. The following lands owned by the City have been set aside and used for cemetery purposes:

Old Campbell River Municipal Cemetery legally described as:
Lot A, City Lot 54, Sayward City, Plan 3884, and

The North One Hundred and Sixty-Two and Four Tenths (162.4) feet of the East Two Hundred and Sixty-One and Four Tenths (261.4) feet of Lot A of City Lot 54, Sayward City, Plan 3551, containing Ninety-Six Hundredths (0.96) of an acre as shown coloured red on Plan deposited under 93814-I;

That Part of Lot 13 of City Lot 132, Sayward City, Plan 2309, described as follows: Commencing at the North East Corner of said Lot 13, thence Southerly along the Easterly boundary of said Lot 13, a distance of One Hundred and Ninety (190) feet; thence Westerly and parallel to the Northerly boundary of said Lot 13 a distance of Four Hundred and Sixty (460) feet; thence Northerly and parallel to the said Easterly boundary to an intersection with the said Northerly boundary; thence Easterly along the said Northerly boundary to the point of commencement. To which parcel the Registrar hereby assigns the distinguishing letter "A".

New Campbell River Municipal Cemetery legally described as being:
Lot 692, Sayward City, deposited under Land Title Office No. P112304 (Crown Grant No. 4775/1218).

3. A copy of the plans of the cemeteries shall be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary.
4. The Council may grant to any person paying the fees therefore, according to the scale of fees specified in Schedule 'C' hereof, a licence for the exclusive use by him, or his executors or administrators, of any one space which may be vacant and unlicensed in the cemetery, and upon payment of said fee therefore, such person or persons shall be entitled to receive a licence in the form of Schedule 'A' attached hereto and forming part of this Bylaw.

5. The Council reserves to itself the right to refuse to sell or transfer use of more than one grave space to any one individual.
6. (a) If the holder of a licence to use and occupy grave space in the cemetery shall at any time desire to dispose of or transfer to another person his right to use and occupy grave space in the cemetery, he shall first furnish the Chief Financial Officer full particulars of the name, address, occupation or other description of the person to whom such disposal or transfer is desired to be made, and the consideration to be paid therefore.

(b) Upon receipt of the transfer fee prescribed in Schedule 'C' to this Bylaw and upon compliance with the requirements of this Bylaw by the licence holder and the person to whom the licence is to be transferred, the Chief Financial Officer shall effect the desired transfer by an endorsement upon the licence to that effect and shall record the same in the books or other records kept by him for that purpose.
7. All licences issued for use of grave space in the cemetery shall be subject to the provisions of this Bylaw and all Bylaws now or hereafter to be passed by the Council.

FEES AND CHARGES

8. (a) The fees for interment, disinterment, use of grave space, and care of graves, and the charges for goods offered for sale by the City for use in the cemetery, and any other cemetery fees shall be those set out in Schedule 'C' attached hereto and forming part of this Bylaw.

(b) The fees set out in Schedule 'C' to this Bylaw shall be paid at the City's offices at the time of application for a licence and at the time of purchasing any goods or services sold by the City in connection with the operation of the cemetery.

PERMISSION TO INTER, EXHUME AND CREMATE

9. (a) No body shall be interred in the cemetery until a permit to inter the body has been obtained from the City and the fee for interment, as set out in Schedule 'C' hereof, has been paid to the City.

(b) No body other than a deceased human body shall be interred in the cemetery.
10. All permits for interment of deceased persons in the cemetery shall be in the form of Schedule 'B' attached hereto and forming part of this Bylaw.
11. All applications for a permit to inter in the cemetery must be made to the Chief Financial Officer at the City's offices during regular office hours on all days of the week except Saturday, Sunday and statutory holidays.

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12. Any persons who makes application for an interment permit, or who requires an interment to be made, shall provide the Chief Financial Officer a statement of the name, age, date of death of the deceased, date and time of interment, whether or not death was caused by a communicable disease, as listed in the "*Health Act Communicable Disease Regulation*".

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13. (a) Where the Medical Health Officer directs, pursuant to the "*Health Act Communicable Disease Regulation*" or otherwise, that a body be buried in the cemetery during any period when the City's offices are closed, permission to inter in the cemetery shall be obtained from the Chief Financial Officer.
- (b) The cemetery Caretaker or the person who performs a burial under the conditions of subsection (a) of this section shall furnish the Chief Financial Officer full particulars of the interment, and the representative of the deceased shall furnish the Chief Financial Officer with full details of the deceased, as required by Section 12 hereof, together with such fees as may be required in accordance with Schedule 'C' and the person who permitted the interment shall report the matter to the Chief Financial Officer.
- (c) The information required to be given to the Chief Financial Officer, under the terms of the subsection (b) of this section, shall be made and furnished to the Chief Financial Officer as soon after such interment as the City's offices are opened.
14. No deceased person interred in the cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the "*Cremation, Interment and Funeral Services Act*" and the presentation of such order to the Chief Financial Officer for his examination.
15. It shall be unlawful for any person to cremate or bury a deceased person within the limits of the City of Campbell River, save and except as authorized under the terms of the "*Cremation, Interment and Funeral Services Act*" and the regulations there under.

INTERMENT IN THE CEMETERY

16. No body shall be interred in the cemetery except in compliance with and subject to the provisions of this Bylaw.
17. The holder of a licence to use and occupy grave space in the cemetery shall not allow or permit an interment to be made in the grave space to which the licence refers, nor shall he transfer or dispose of the said grave space to another person, unless such interment, transfer or disposal shall be made pursuant to and subject to the provisions of this Bylaw.
18. (a) Where the body of a person who died while suffering from a communicable disease is to be buried in the cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.

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- (b) Where the body delivered to the cemetery for interment is subject to the direction of the Medical Health Officer, under the terms of the "*Health Act Communicable Disease Regulation*", the person delivering the body to the cemetery shall inform the Caretaker, or duly authorized assistant acting on his behalf.
19. (a) Each interment in the cemetery shall be made in a grave dug to a depth sufficient to provide for not less than one metre of earth between the upper surface of the coffin or grave liner and the level of the ground surrounding the grave.
- (b) Not more than four interments shall be permitted in any one grave. Interments shall be done as follows:

(i) Adult, Child & Infant Grave Spaces

The first interment will be in accordance with the requirements of subsection (a) of this section. The second, third and fourth interment shall be as cremated remains and the requirements of subsection (c) of this section shall apply.

(ii) Adult Deeper Depth Grave Spaces

The first interment shall be at a lower depth than the second interment, and the requirements of subsection (a) of this section shall apply to the second interment. The third and fourth interment shall be as cremated remains and the requirements of subsection (c) of this section shall apply.

(iii) Cremated Remains Grave Space

No more than a maximum of four cremated remains interments shall be allowed in any one cremated grave space and the requirements of subsection (c) of this section shall apply.

(c) Notwithstanding the requirements of subsection (a), (b) and (d) of this section, cremated remains of a deceased person may, when in a container, sheathed and sealed in not less than 4 cm. thick of concrete, be interred in a grave to provide not less than .06 metre of earth between the upper surface of the concrete-encased container and the level of the ground surrounding the grave, or may be interred at a depth permitting the concrete sheath or block containing the cremated remains to be used as a base for a small memorial marker placed flat and level with the surface of the ground surrounding the grave.

(d) A concrete or fiberglass grave liner shall be used for each adult interment, except in the case of cremated remains interred according to the requirements of subsection (c) of this section and except where a concrete or steel vault is used.

(e) Where soil conditions or other circumstances peculiar to the cemetery dictate, the Chief Financial Officer shall decide whether a concrete or fiberglass grave liner is to be used in a grave space.

(f) Where a concrete liner is required, such liner shall be of a reinforced concrete not less than 5 cm. thick and shall consist of two side walls and two end walls and a cover to bridge the coffin over its entire length.

(g) A cremated remains grave space may be purchased as a memorial plot, upon presentation to the Chief Financial Officer of a copy of the Death Certificate, without a requirement for the interment of remains. All other provisions as contained within this Bylaw shall apply.

20. No person shall inter any body in the cemetery except between the hours of eight in the forenoon and four-thirty in the afternoon.

21. No person shall inter any body in the cemetery on Saturday or Sunday or any statutory holiday unless written permission of the Chief Financial Officer is first obtained, except in the emergency conditions as specified in Section 13 hereof.

22. No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by him, or by the Chief Financial Officer.

23. No vaults or other methods of interment above ground level shall be permitted in the cemetery.

CEMETERY CARETAKER

24. A cemetery Caretaker may be appointed by the Council, and the duties of a Caretaker so appointed shall among other things be:
- (a) To dig and prepare, or cause to be dug and prepared, all graves required to be dug whenever ordered to do so by the Treasurer, or the person acting for him.
 - (b) The direction of all funerals in the cemetery to the correct grave site.
 - (c) Installation of all memorial tablets, markers and monuments, and construction of their foundation or bases.
 - (d) Carry out, or cause to be carried out, the general work of the cemetery to maintain it in a neat and tidy condition, including the maintenance of paths, gates, fences and other cemetery improvements.
 - (e) Maintain records, as required, and submit to the Chief Financial Officer whatever reports are required by him.
 - (f) Complete such other work as may be directed by the Chief Financial Officer or the person acting for him.

ADMINISTRATION AND CARE FUND

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25. The Chief Financial Officer shall maintain records as necessary to the administration and management of the cemetery and as required by the regulations under the "*Cremation, Interment and Funeral Services Act*".
26. The Chief Financial Officer is hereby authorized, on behalf of the Municipality, to grant a licence in the form set out in Schedule 'A' hereof in respect of any grave space in the cemetery, according to the scale of fees and charges specified in Schedule 'C' of this Bylaw and subject to the provisions of this Bylaw.
27. The Chief Financial Officer or authorized person shall issue all permits for interment required by this Bylaw, except as otherwise provided.
28. Upon issuing any permits for interment in the cemetery, or upon receiving an order for exhumation from the proper authority, as required by Section 14 hereof, the Chief Financial Officer shall notify the Caretaker before the time of the intended interment or exhumation giving the name of the deceased and the number and location of the grave space concerned, and any instructions of the Medical Health Officer relative to the interment or exhumation.
- 29.
- (a) A fund shall be established to be known as the "Cemetery Perpetual Care Trust Fund" and such fund shall be administered in accordance with the requirements of the regulations made under the "*Cremation, Interment and Funeral Services Act*" for the establishment and administration of a Municipal Cemetery Care Fund and in accordance with the procedures hereinafter set out.

- (b) A bank account shall be established to be known as the "Cemetery Perpetual Care Trust Fund Account" into which the Chief Financial Officer shall pay all funds received for Care Fund purposes and all such funds shall be deposited in said account, and there held pending investment as hereinafter provided.
 - (c) On all licences for use of grave space sold, the Chief Financial Officer shall pay into the "Cemetery Perpetual Care Trust Fund Account" from the amount received for each licence sold at the fee specified in Schedule 'C' hereof, 33 1/3 percent or \$15.00, whichever is the greater, except in those cases where a different amount is approved by the Minister.
 - (d) On all licences for the use of grave space and on all contract or agreements for the sale of such licences, the amount required to be used for Care Fund purposes shall be specified.
 - (e) Any owner of a memorial marker desiring to install same in the cemetery shall pay to the Chief Financial Officer, prior to the installation of such memorial, the fee as specified in Schedule 'C' as a contribution to the "Cemetery Care Fund", and such amounts when received shall be paid by the Chief Financial Officer into the "Cemetery Perpetual Care Trust Fund Account" for investment hereinafter provided.
 - (f) Investment of funds received for Care Fund purposes shall be made as required by the regulations under the "*Cremation, Interment and Funeral Services Act*" applicable to Municipal Cemetery Care Funds.
 - (g) The income from the "Cemetery Perpetual Care Trust Fund", including any appreciation therefore, shall be used for the sole purpose of upkeep and maintenance of the property licenced and the cemetery of which it forms part, and the principal sum of such fund shall not be reduced otherwise than in accordance with an order of the Minister made pursuant to the regulations under the "*Cremation, Interment and Funeral Services Act*".
- 30.** A separate accounting of all monies received under the provisions of this Bylaw and of all monies expended hereunder shall be kept by the Chief Financial Officer and any surplus remaining of receipts over expenditures shall be paid at the end of each financial year into a fund to be known as the "Cemetery Fund" and shall be invested by the City in accordance with the provisions of the "*Local Government Act*" and the interest derived from such investment shall be expended on the upkeep and development of the cemetery.

MEMORIALS

- 31.** No person shall place on any grave space in the cemetery, a tablet-type marker until the amount as set out in Schedule 'C' hereto has been paid to the Chief Financial Officer for Care Fund purposes in respect to each memorial.
- 32.** A maximum of two tablet-type memorial markers may be installed on a grave space, provided that the installation fee for each marker, as set out in Schedule "C" hereto, is paid and the requirements of Section 31 hereof are fulfilled and subject to the following:
- (a) Memorial markers or tablets shall be laid flat with the top surface flush with the ground level.
 - (b) No marker or tablet shall be installed greater than 50 cm. (20") long and 30 cm. (13") wide. Markers or tablets must be at least 10 cm. (4") thick, but not more than

15 cm. (6").

- (c) Markers or tablets may be of natural stone or (strong) mix concrete. Bronze, brass or other rust proof metal plaques may be affixed to the top surface of the marker or tablet, in which case the top surface of such plaque shall be laid flat and flush with the ground level.
 - (d) No material other than as provided in subsection (c) of Section 32 hereof may be used for markers or tablets.
- 33.** No grave or grave space shall be defined by a fence, railing, curbing, hedge or by other marking save by a memorial marker or tablet, as set out in Section 32 hereof.

GENERAL

- 34.**
- (a) Cut flowers, wreaths and floral offerings may be placed on graves, but may be removed by the Caretaker when their condition is considered by him to be detrimental to the beauty of the cemetery.
 - (b) No artificial flowers shall be placed on graves or elsewhere in the cemetery between the dates of March 31st and November 1st of each year.
 - (c) Flowers may be laid on graves or placed in metal vases which have been inserted into the grave so that the top edge of the vase is level and flush with the ground level.
 - (d) Vases or containers, other than as specified in Section 34 hereof, will not be permitted.
- 35.** No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs, turf or rocks in the cemetery other than an employee of the City authorized to do so.
- 36.** All persons are prohibited from damaging or defacing any memorial monument, fence, gate or structure in the cemetery, or any improvements in the cemetery.
- 37.** No person shall enter the cemetery in a vehicle after sunset, or drive a vehicle in the cemetery at any time at a speed of more than 15 kilometers per hour, and all vehicles and their drivers, while in the cemetery grounds, shall be subject to the directions and orders of the Caretaker.
- 38.** No person shall solicit orders for markers, tablets, memorials, cappings or like works within the limits of the cemetery.
- 39.** All persons and funeral processions in the cemetery shall obey the reasonable instructions of the Caretaker, but any person not behaving with proper decorum within the cemetery, or disturbing the quiet and good order of the cemetery may be evicted there from by the Caretaker.
- 40.** The discharging of firearms, other than in regular volleys at burial services, is prohibited in the cemetery.
- 41.** Any person who willfully destroys, mutilates, defaces, injures or removes any tomb, monument, memorial or other structure placed in the cemetery, or any fence railing or other work for the protection or ornament of the cemetery, or any tomb, monument,

memorial or other structure aforesaid or lot within the cemetery, or willfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or discharges firearms (save at a military funeral), or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body therein, or who commits a nuisance, or at any time behaves in an indecent and unseemly manner, or deposits any rubbish or offensive matter or thing in the cemetery, or in any way violates any grave, tomb, tombstone, vault, memorial or other structure within the same, shall be guilty of an infraction of this Bylaw and liable to the penalties hereof.

- 42. The cemetery shall be deemed open at 7:00 a.m. and closed at 8:00 p.m. Any person in the cemetery, without special permission of the Caretaker, between 8:00 p.m. and 7:00 a.m. in the following morning, shall be deemed guilty of an infraction of this Bylaw and liable to the penalties hereof.
- 43. Any person who commits an offence against any of the provisions of this Bylaw is punishable in accordance with the "*Offence Act*".
- 44. Notwithstanding anything herein contained, the administration of the cemetery shall be carried out at all times in accordance with the "*Cremation, Interment and Funeral Services Act*" and regulations made there under.
- 45. This Bylaw becomes effective on adoption at which time Cemetery Bylaw No. 1255, 1982 is repealed.
- 46. This Bylaw may be cited as "**Cemetery Bylaw No. 1639, 1987**".

Read a first time on the 2nd day of March , 1987.

Read a second time on the 2nd day of March , 1987.

Read a third time on the 15th day of June , 1987.

Reconsidered, finally passed and adopted on the 6th day of July , 1987.

Original bylaw signed by:

R. V. OSTLER
MAYOR

W. T. HALSTEAD
CLERK